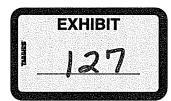
```
IN THE UNITED STATES DISTRICT COURT
 1
                   FOR THE NORTHERN DISTRICT OF OKLAHOMA
 2
 3
     STATE OF OKLAHOMA, ex rel,
 4
     W.A. DREW EDMONDSON, in his
     capacity as ATTORNEY GENERAL
 5
     OF THE STATE OF OKLAHOMA,
     et al.
6
               Plaintiffs,
 7
                                            No. 05-CV-329-GKF-SAJ
     V.
 8
     TYSON FOODS, INC., et al.,
 9
10
               Defendants.
11
12
                    REPORTER'S TRANSCRIPT OF PROCEEDINGS
13
14
                             FEBRUARY 21, 2008
15
                       PRELIMINARY INJUNCTION HEARING
16
                                 VOLUME III
17
18
     BEFORE THE HONORABLE GREGORY K. FRIZZELL, Judge
19
20
     APPEARANCES:
21
     For the Plaintiffs: Mr. Drew Edmondson
                           Attorney General
22
                           Mr. Robert Nance
                           Mr. Daniel Lennington
                           Ms. Kelly Hunter Burch
23
                           Mr. Trevor Hammons
24
                           Assistant Attorneys General
                           313 N.E. 21st Street
                           Oklahoma City, Oklahoma 73105
25
```

Glen R. Dorrough UNITED STATES COURT REPORTER



	·
1	(CONTENTS CONTINUED) Page No.
2	Direct Examination by Mr. Lennington 585
3	Cross-Examination by Mr. McDaniel 601
4	Redirect Examination by Mr. Lennington 623
5	Recross-Examination by Mr. McDaniel 625
6	VALERIE J. HARWOOD
7	Direct Examination by Mr. Page 627
8	Cross-Examination by Mr. Jorgensen 674
9	Redirect Examination by Mr. Page 755
LO	Recross-Examination by Mr. Jorgensen 764
L1	ROGER LEE OLSEN
L2	Direct Examination by Mr. Page 773
L 3	Cross-Examination by Mr. George831
L 4	
15	PROCEEDINGS
16	February 21, 2008
L 7	THE COURT: Mr. Bullock, Mr. George, and Ms.
1.8	Southerland and I spoke a second ago outside the courtroom with
L 9	regard to evidentiary matters. We've been going at such a
2 0	rapid pace and because there has been an agreement with regard
21	to exhibits on direct, there have been promises made to the
22	Court with respect to exhibits that have been used on cross
23	that they would be handled at the next break or at lunch that
24	has not been done. So the concern is that going forward, we
25	need to handle this matter very quickly or it presents real

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

THE COURT: Rather than discuss it any further, let's take the next witness. And I'll just tell you how much time -as you're running out of time, I'll tell you how much time we've got. And I'm going to start putting the stopwatch to it. Call your next witness. MR. PAGE: Your Honor, the State calls Dr. Roger Olsen. THE COURT: Dr. Olsen. ROGER LEE OLSEN Called as a witness on behalf of the plaintiffs, being first duly sworn, testified as follows: THE COURT: State your name for the record, please. THE WITNESS: Roger Lee Olsen. THE COURT: Thank you, Mr. Page. MR. PAGE: Thank you, Your Honor. DIRECT EXAMINATION BY MR. PAGE: Dr. Olsen, would you please summarize for the Court your education? Yes, I have a bachelor of science degree in mineral engineering chemistry from the Colorado School of Mines in 1972, that's essentially a chemistry degree. Then I have my PhD in geochemistry in 1979 also from the Colorado School of Mines. Dr. Olsen, what work experience do you have that's related

- 1 to your opinions in this case?
- 2 A. Essentially after I got out of school, all my work since I
- 3 graduated has been related to evaluating contamination in the
- 4 environment.
- 5 | Q. Okay. And what companies have you worked for?
- 6 A. When I first got out of -- while I was in graduate school,
- 7 | I actually was an instructor in chemistry and geochemistry for
- 8 | three years at the Colorado School of Mines. After I left the
- 9 | Colorado Schools of Mines, I was with Rockwell International
- 10 | for a year as a senior research chemist. And I went to a
- 11 | consulting engineering company called D'Appolonia Consulting
- 12 | Engineers that was bought out by International Technology. I
- was there six years. For the last 23 years I've been with
- 14 | Camp, Dresser, McKee or CDM.
- 15 | Q. Now, as part of your work in the environmental field, has
- 16 | that involved designing sampling plans?
- 17 A. Yes, it has.
- 18 Q. How many sampling plans have you supervised the design
- 19 | for?
- 20 A. At least a hundred that I've been the major author or
- 21 | major contributor to.
- 22 | Q. And would you explain to the Court the approach you follow
- 23 when you design a sampling?
- 24 A. Yes, I've developed a systematic approach that I use
- 25 that's kind of a step-wise approach. And the first approach is